

**DEPARTMENT OF EDUCATION  
Montpelier, Vermont**

**TEAM:** Commissioner's Office

**ITEM:** Will the State Board of Education approve the request of the Windsor School Board and the Windsor Southeast Association to waive one student attendance day for Windsor School District for the 2008-09 school year?

**RECOMMENDED ACTION: That the State Board of Education not approve the request of the Windsor School Board and the Windsor Southeast Association to waive one student attendance day for Windsor School District for the 2008-09 school year.**

**STATUTORY AUTHORITY:** 16 V.S.A. § 1071(c).

**BACKGROUND INFORMATION:**

In a letter dated April 27, 2009, the chair of the Windsor School Board and the president of the Windsor Southeast (teachers) Association requested that the State Board waive one student attendance day for the 2008-09 school year. The school district used three snow days during the 2008-09 school year, thereby exceeding its allotted number of snow days by one.

16 V.S.A. § 1071(c) states: "When a public school is closed for cause beyond the control of the school board it may petition the state board for a waiver of the requirements of this section. The petition shall be filed with the state board within 10 days of each occurrence and not later than June 15 of the school year involved; and the state board shall act on the petition at its next meeting. If the petition is approved and a waiver granted, the school district shall be deemed to have satisfied the requirements of this section. If the state board fails to act at that meeting, the petition shall be deemed to have been approved and the waiver granted."

The commissioner expects that school districts will adhere to the 175-day school attendance day requirement, which is the right of students and parents. The district can add an extra day onto the end of its normal school calendar. The district could also have held school at a recent in-service day, choosing instead to have that in-service day on the day after the last day of school, thereby not affecting the dismissal date of the district's students. Finally, the request was not made within 10 days of its third snow day.

**COST IMPLICATIONS:** N/A

**STAFF AVAILABLE:** Armando Vilaseca, Commissioner; Mark Oettinger, General Counsel